

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| UNITED STATES SECURITIES | : | |
| AND EXCHANGE COMMISSION, | : | |
| | : | |
| Plaintiff, | : | 03 Civ. 2742 (JGK) (HBP) |
| | : | |
| -against- | : | <u>ORDER</u> |
| | : | |
| DAVID A. ZWICK, TODD J. COHEN | : | |
| and TERENCE J. O'DONNELL, | : | |
| | : | |
| Defendants. | : | |

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PITMAN, United States Magistrate Judge:

A tape-recorded conference call having been held on October 5, 2004 during which various discovery and scheduling issues were discussed, after hearing counsel for all parties, for the reasons stated during the course of the call, it is hereby ORDERED that:

1. Defendant Cohen's application to make a formal motion to compel disclosure of the notes of the Shen proffer session is granted. The moving papers shall be served and filed no later than October 14, 2004.

Opposition papers shall be served and filed no later than October 29, 2004. Reply papers shall be served and filed no later than November 4, 2004. All papers shall be served by personal delivery, fax, e-mail or overnight delivery.

2. No later than October 8, 2004 all interested counsel shall submit letter briefs to my chambers

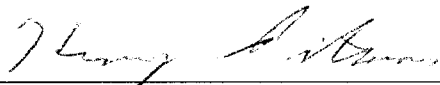
concerning defendant Cohen's application to compel Postal Inspector Feeney to testify concerning statements made during the Shen proffer. The letter briefs shall be double-spaced and can be transmitted to my chambers by fax ((212) 805-6111).

3. Defendant Zwick's application to reopen discovery for limited purposes is denied.

4. Defendant Zwick is directed to serve his response to plaintiff's second request for production of documents no later than October 7, 2004.

Dated: New York, New York,
October 6, 2004

SO ORDERED


HENRY PITMAN
United States District Court

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